

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON**

IN RE: ETHICON, INC., PELVIC REPAIR SYSTEM PRODUCTS LIABILITY LITIGATION  ----- THIS DOCUMENT APPLIES TO:  WAVE 9 CASES LISTED IN EXHIBIT A	Master File No. 2:12-MD-02327 MDL 2327  JOSEPH R. GOODWIN U.S. DISTRICT JUDGE
--	---

**NOTICE OF ADOPTION OF PRIOR DAUBERT MOTION  
TO EXCLUDE DONALD R. OSTERGARD, M.D. FOR WAVE 9**

Defendants hereby adopt and incorporate by reference the *Daubert* motion filed against Donald R. Ostergard, M.D. for Ethicon Wave 3, Case No. 2:12-md-02327, Dkt. 2814 (motion); Dkt. 2816 (memorandum in support); and Dkt. 3011 (reply). Defendants respectfully request that the Court exclude Dr. Ostergard's testimony for the reasons expressed in the Wave 3 briefing.

This notice applies to the Wave 9 case identified in Exhibit A attached hereto.

Respectfully submitted,

/s/ William M. Gage

William M. Gage (MS Bar #8691)  
Butler Snow LLP  
1020 Highland Colony Parkway  
Suite 1400 (39157)  
P.O. Box 6010  
Ridgeland, MS 39158-6010  
(601) 985-4561  
[william.gage@butlersnow.com](mailto:william.gage@butlersnow.com)

/s/ Susan M. Robinson

Susan M. Robinson (W. Va. Bar #5169)  
Thomas Combs & Spann PLLC  
300 Summers Street

Suite 1380 (25301)  
P.O. Box 3824  
Charleston, WV 24338  
(304) 414-1800  
[srobinson@tcspllc.com](mailto:srobinson@tcspllc.com)

COUNSEL FOR DEFENDANTS

**CERTIFICATE OF SERVICE**

I hereby certify that on this date, I electronically filed the foregoing document with the Clerk of the court using CM/ECF system which will send notification of such filing to the CM/ECF participants registered to receive service in this MDL.

/s/ William M. Gage